

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

ORIGINAL
FILED
MAR 29 AM 9:20
CLERK OF COURT

MICHAEL GOODWIN,

Plaintiff,

vs.

PCS HEALTH SYSTEMS, INC.,

Defendant.

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CIVIL ACTION NO. 4-02CV-261-A

ANSWER TO PLAINTIFF'S ORIGINAL PETITION

Defendant ADVANCEPCS, improperly named as PCS Health Systems, Inc., answers Plaintiff's Original Petition as follows:

I.

Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph I of Plaintiff's Original Petition.

II.

Defendant admits the allegations in paragraph II of Plaintiff's Original Petition regarding PCS Health Systems, Inc., but is without knowledge or information sufficient to form a belief as to the remaining allegations in paragraph II of Plaintiff's Original Petition.

III.

Defendant admits that Plaintiff has brought claims against it under the Americans with Disabilities Act of 1990, Chapter 21 of the Texas Labor Code, and the City of Fort Worth, Texas, Fair Employment Ordinance No. 7278 as alleged in paragraph III of Plaintiff's Original Petition, but denies that it has committed any acts giving rise to liability under any of those laws.

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IV.

Defendant admits the allegations in paragraph IV of Plaintiff's Original Petition, but denies that it ever employed Plaintiff or that Plaintiff ever became one of its employees under any law, statute, or ordinance.

V.

Defendant admits that Plaintiff had the ability to perform the essential duties of a security guard, but denies the remaining allegations in paragraph V of Plaintiff's Original Petition.

VI.

Defendant denies the allegations in paragraph VI of Plaintiff's Original Petition.

VII.

Defendant denies the allegations in paragraph VII of Plaintiff's Original Petition.

VIII.

Defendant denies the allegations in paragraph VIII of Plaintiff's Original Petition.

IX.

Defendant admits that Plaintiff is seeking to recover costs, expenses, and attorneys' fees, as alleged in paragraph IX of Plaintiff's Original Petition, but denies that Plaintiff is entitled to recover any costs, expenses, or attorneys' fees, or any damages whatsoever.

X.

Defendant admits the allegations in paragraph X of Plaintiff's Original Petition.

XI.

Defendant denies each and every allegation in Plaintiff's Original Petition that it has not specifically admitted.

AFFIRMATIVE DEFENSES

XII.

Plaintiff has failed to mitigate his alleged damages.

XIII.

Defendant has engaged in good faith efforts to comply with all applicable disability and discrimination laws and to prevent any disability discrimination.

XIV.

Defendant reserves the right to amend its Answer to add any affirmative defenses that are revealed during discovery, including those listed in Rule 8(c) of the Federal Rules of Civil Procedure.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Stacey S. Calvert", written over a horizontal line.

Stacey S. Calvert
Texas State Bar No. 24006946


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ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document was sent via United States mail, postage prepaid, to the following attorney of record, on this 29th day of March, 2002:

Billy D. Hulum
The Law Office of Billy Hulum
P.O. Box 330939
Fort Worth, Texas 76163-0939



Stacey S. Calvert